

Attorney Docket No. 03742/LH

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant(s): Hitoshi KATO, et al.  
Serial No. : 10/735,510  
Confirm. No.: 5836  
Docket No. : 03742/LH  
Customer No.: 01933  
Filed : December 11, 2003  
For : PERFORMANCE EVALUATION  
APPARATUS AND A PERFORMANCE  
EVALUATION PROGRAM  
Art Unit : 2837  
Examiner : WARREN, DAVID S

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97 (d) WITH  
STATEMENT UNDER 37 CFR 1.97(e)  
AND FEE (37 CFR 1.17 (p))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

Submitted herewith are the following:

- (1) Copy of a Japanese Office Action dated June 20, 2006  
(and English translation thereof) issued in counterpart  
priority Japanese application No. 2002-371189;
- (2) Copy of a Japanese Office Action dated June 20, 2006  
(and English translation thereof) issued in counterpart  
priority Japanese application No. 2003-042546;
- (3) Copy of a Japanese Office Action dated June 20, 2006  
(and English translation thereof) issued in counterpart  
priority Japanese application No. 2003-010886;
- (4) Copies of cited publications (except U.S. patents and  
publications);

This paper is being submitted via EFS-  
Web on August 7, 2006

In the event that this Paper is late  
filed, and the necessary petition for  
extension of time is not filed  
concurrently herewith, please consider  
this as a Petition for the requisite  
extension of time, and to the extent not  
already paid, authorization to charge  
the extension fee to Account  
No. 06-1378. In addition, authorization  
is hereby given to charge any fees for  
which payment has not been submitted, or  
to credit any overpayments, to Account  
No. 06-1378.

- (5) Form PTO/SB/08A; and
- (6) Form 2038 to cover the USPTO fee of \$180 as set forth under 37 CFR 1.17(p) for filing an IDS at this stage of prosecution (after issuance of a final Office Action and with a statement under 37 CFR 1.97(e)).

English translations of said three Japanese Office Actions are provided, thereby satisfying the requirements for a concise explanation of relevance for any non-English language publications cited therein (MPEP 609 III A(3)).

English language Abstracts are provided for each of the cited documents.

Japanese Patent Publication JP10-161673, identified in the Office Actions, was already cited in the IDS of December 11, 2003, and is therefore not cited again herein.

USP 6,495,747 is a family member of JP 2001-242863.

**STATEMENT UNDER 37 CFR 1.97(e)(1)**

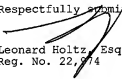
Each item of information contained in this Information Disclosure Statement was first cited in any communication from foreign patent offices in counterpart foreign applications not more than three months prior to the filing of the present Information Disclosure Statement. Said Communications all bear a mailing date of June 20, 2006. Therefore, the filing of this Information Disclosure Statement is timely under the provisions of 37 CFR 1.97(e) and does not require a fee.

**NOT A RESPONSE TO OFFICE ACTION**

This paper is not a response to the outstanding final Office Action mailed June 22, 2006. A response to said outstanding Office Action will be timely filed in due course.

It is requested that an initialed copy of the Form PTO/SB/08A be returned to indicate that the publications listed therein have been considered and made of record.

Respectfully submitted,



Leonard Holtz, Esq.  
Reg. No. 22,874

Encls.

Dated: August 7, 2006

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PTO/SB/08A (08-00)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for Form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/735,510
				Filing Date	December 11, 2003
				First Named Inventor	Hitoshi KATO
				Group Art Unit	2837
				Examiner Name	WARREN, DAVID S
Sheet	1	of	1	Attorney Docket Number	03742/LH

## U.S. PATENT DOCUMENTS

Exam. Init <sup>1</sup>	Cite No <sup>2</sup>	Document Number	Kind Code <sup>3</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion
		6495747	B2	YAMAHA CORP	11-15-2001	

## FOREIGN PATENT DOCUMENTS

Exam Init <sup>1</sup>	Cite No <sup>2</sup>	Cite <sup>3</sup>	Document Number <sup>4</sup>	Kind Code <sup>5</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion	T <sup>6</sup>
		JP	2001-242863	A	YAMAHA CORP	09-07-2001		
		JP	11-296168	A	YAMAHA CORP	10-29-1999		
		JP	2000-056778	A	DAICHIKOSHO CO	02-25-2000		
		JP	56-047084	A	NIPPON MUSICAL	04-28-1981		
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		JP	2004-109613	A	KAWAI MUSICAL INST	04-08-2004		
		JP	11-102193	A	NIPPON COLUMBIA	01-13-1999		

Examiner Signature	Date Considered
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<sup>1</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>2</sup> Unique citation designation number. <sup>3</sup> See kinds of U.S. Patent Documents. <sup>4</sup> Enter Office that issued the document, by the two-letter code (MPEP Standard ST 3). <sup>5</sup> For Japanese patent documents, the Indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST, 16 if possible. <sup>7</sup> Place a check here if English translation is attached.

DATE MAILED: **August 7, 2006**